

REMARKS

Claims 1-24 are currently pending in the application. Claims 1, 2, 4-6, 9, 19, 20, and 22-24 have been amended to clarify the differences between the present invention and the prior art references. No new matter has been added.

Claims 1-5, 7, 20, 22 and 24 were rejected under 35 U.S.C. §103(a) as being obvious over Northington *et al.* (U.S. Patent no. 6,128,602, "Northington *et al.*").

Claim 6 was rejected under 35 U.S.C. §103(a) as being obvious over Northington *et al.* in view of Harris *et al.* (U.S. Patent no. 5,893,904, "Harris *et al.*").

Claim 8 was rejected under 35 U.S.C. §103(a) as being obvious over Northington *et al.* in view of Kappel (U.S. Patent no. 6,144,988, "Kappel").

Claims 9, 19 and 23 were rejected under 35 U.S.C. §103(a) as being obvious over Northington *et al.* in view of Discount *et al.* (U.S. Patent no. 6,012,066, "Discount *et al.*").

Claims 10-11 and 13-18 were rejected under 35 U.S.C. §103(a) as being obvious over Northington *et al.* in view of Discount *et al.* and further in view of Raveis (U.S. Patent no. 6,321,202, "Raveis").

Claim 12 was rejected under 35 U.S.C. §103(a) as being obvious over Northington *et al.* in view of Discount *et al.*, further in view of Raveis and further in view of O'Neil *et al.* (U.S. Patent no. 5,987,440, "O'Neil *et al.*").

These rejections are respectfully traversed as set forth below.

Claims 1, 2, 4, 9, 19, 20, 22, 23 and 24, as amended, relate to systems or methods for "**updating information** relating to administration of sales agents, brokers, distributors or dealers associated with a sales-related database." The updated information may comprise "at least one

of sales made by sales agents, brokers, distributors or dealers, commissions owed to sales agents, brokers, distributors or dealers, status of sales agents, brokers, distributors or dealers, and licensure status of sales agents, brokers, distributors or dealers,” and may be provided by a user “interacting with an administrative tool having at least one broker operations module for updating broker information in the sales related database, a rate change module, and at least one of a login module, a report builder module, a database access module, and a file upload module.”

The amendments to the pending claims further underscore one of the many objectives of the present invention: to provide a method for updating stored information relating to the administration of sales agents, brokers, distributors or dealers (hereinafter collectively referred to as “brokers”) connected with a sales-related database. As claimed, the system and method of the present invention enable a user -- such as a supplier, for example -- to monitor and administer its brokers and to access updated information relating to the brokers’ duties, responsibilities, and sales, for example. The system enables the supplier to track: (1) sales information on a per-broker basis, (2) commissions owed to the brokers, (3) the current status of each broker (e.g., whether a given broker still works for the supplier), and (4) the licensure status of each broker (e.g., whether a given broker is licensed to sell in a given state or jurisdiction.) This way, a supplier is able to better manage, administer and monitor a large independent sales force of brokers, for example.

In contrast, Northington *et al.* -- the primary reference cited in the office action -- relates to a system for *consolidating information from a plurality of financial systems¹ into a single*

¹ Financial systems may represent such computer systems as credit card networks, automatic teller networks, electronic banking networks and systems, governmental financial networks, and other types of electronic commerce networks and systems through which an entity
(continued...)

accounting system without the need for expensive and time-consuming backroom procedures.

The system disclosed in Northington *et al.* enables an entity to use multiple independent and potentially incompatible financial systems to facilitate, control and monitor its spending, purchasing and other financial activities, while also enabling the entity to monitor and control all of these activities in real time. However, Northington *et al.* does not teach or suggest a system or method which relates to the administration of brokers, much less one which *updates information* in the manner claimed by the present invention.

For example, the pending claims, as amended, recite an administrative tool having “at least one *broker operations module* for updating broker information in the sales related database.” The Examiner concedes (and Applicants’ agree) that Northington *et al.* does not disclose this feature. Similarly, Northington *et al.* does not teach or suggest the claimed “*rate change module*,” which enables a user of the present invention to change the rate charged for a particular product, for example. *See*, Page 10, lines 12-16 (“The administrative tool may be used by the user to make *rate changes* whenever a rate change for a product is to be implemented, such as, for example, once a month, once a week, or once a year.”)

Northington *et al.* also does not teach or suggest use of “*updated information*” comprising at least one of: (1) sales made by sales agents, brokers, distributors or dealers, (2) commissions owed to sales agents, brokers, distributors or dealers, (3) status of sales agents, brokers, distributors or dealers, and (4) licensure status of sales agents, brokers, distributors or dealers. Rather, Northington *et al.*’s discloses a system for “automatically consolidating

performs purchasing, spending, invoicing, payment or credit receipts, and other financial transactions. *See*, Col. 5, lines 18-25.

information from a plurality of *financial systems* into a single system without the need for expensive and time-consuming backroom procedures.” *See*, Col. 2, lines 30-32. The information relied on for this purpose does not include (and would not benefit from) any of the “updated information” claimed by the present invention.

The other cited prior art references are similarly deficient. For example, Applicants’ respectfully disagree that Harris *et al.* -- which relates to a system for brokering the allocation of an item -- discloses a broker operations module similar to that claimed in the present invention. For one thing, the broker module recited in Harris *et al.* is “coupled to the transaction database and operable to access the query response and the allocation data stored in the record to confirm authorization for the allocation of the item and, in response, *to broker the allocation of the item to the recipient*” (*See*, Col. 18, lines 50-54), while the broker operations module in the present invention is “for *updating* broker information in the sales related database.” In other words, the broker module disclosed by Harris *et al.* performs functions that are substantially similar to those of actual brokers, while the broker operations module in the present invention may function as an interface through which brokers, for example, may provide updated information. Therefore, apart from a sharing a name, the broker operations module of the present invention is wholly distinguishable from the broker module disclosed in Harris *et al.*

Moreover, Applicants submit that Northington *et al.* and Harris *et al.* lack the requisite motivation to combine, and thus cannot be read to render the pending claims invalid. Northington *et al.*, for example, is concerned with “an entity’s financial transactions as performed by various independent computerized systems” (col. 2, lines 23-26 and 44-53), and thus would not benefit from the broker operations module described in Harris *et al.* *See, In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1999) (The combination of the references taught every element

of the claimed invention, however *without a motivation to combine, a rejection based on a prima facie case of obvious was held improper.*); *In re Sernaker*, 702 F.2d 989, 994-95 (Fed. Cir. 1983) (The strongest rationale for combining references is a recognition, expressly or impliedly in the prior art, that some advantage or expected beneficial result would have been produced by their combination.)

Claims 20 and 24 have also been amended to recite that replicating the sales-related database occurs by “storing the updated information in at least *one other* sales-related database.” Support for this limitation is found on Page 12, line 26 - Page 13, line 2 of the application. Applicants submit that this amendment overcomes the rejection in paragraph 5 of the Office Action noting that “by definition, as soon as the data is downloaded or uploaded, and the process is completed the data has been replicated.” While Applicants disagree with this contention, the amendment is nonetheless made to better clarify the claimed invention.

Applicants’ respectfully object to the Office Action’s rejection of claims 13-18 as being obvious over Northington *et al.*, in view of Discount *et al.*, and further in view of Raveis. The Office Action fails to indicate how information related to real estate services -- particularly “complete mortgage processing” -- disclosed in Raveis may be said to invalidate the pending claims which relate to “rate changes” made in the context of products sold by brokers (claims 13-14), a “report screen” for selecting a report type (claims 15-16), and “quotes” compiled through visitor tracking (claims 17-18). The Office Action further fails to sufficiently identify where in Raveis the particular claim limitation is taught or suggested, or how one of ordinary skill in the art would view the cited reference. The Office Action’s reference to Figure 5 does not sufficiently identify those aspects of Raveis that purportedly teach or suggest the claimed elements. Applicant is left to speculate as to what those aspects may be, and thus requests that

the rejections be withdrawn. *See e.g., Ex parte Gambogi*, 62 U.S.P.Q.2d 1209, 1212 (Bd.Pat.App & Interf. 2001) (“Rejection of claims in patent application under 45 U.S.C. §103(a) must be vacated and remanded, since patent examiner has cited numerous references in support of rejection, but has not indicated what that prior art would have meant to person of ordinary skill in the art, since examiner has not referred to specific portions of each of cited references, and since rejection therefore requires both applicants and Board of Patent Appeals and Interferences to speculate....”)

For at least these reasons, therefore, independent claims 1, 2, 4, 9, 19, 20, 22, 23 and 24 are patentably distinct from Northington *et al.* Claim 3 depends from claim 2, claims 5-8 depend from claim 4, claims 10-18 depend from claim 9, and claim 21 depends from claim 20. Therefore, claims 3, 5-8, 10-18 and 21 are all patentable over the cited references for at least the same reasons.

In view of the foregoing, it is respectfully submitted that the rejections of claims 1-24 are improper. Accordingly, the withdrawal of such rejections is respectfully requested.

CONCLUSION

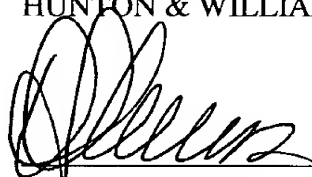
Applicants respectfully submit that this application is in condition for allowance, and reconsideration and allowance of the application is respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or over the telephone, we would welcome the opportunity to do so.

It is believed that no fees are due with this response. However, in the event any other fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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